

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOVAN CLAYBRON,

Plaintiff,

v.

JODI DEANGELO, *et al.*,

Defendants.

Case No. 23-10840

Honorable Nancy G. Edmunds

ORDER OVERRULING PLAINTIFF'S OBJECTIONS [32]

In this pro se prisoner civil rights lawsuit filed under 42 U.S.C. § 1983, Plaintiff Jovan Claybron brings a claim of deliberate indifference under the Eighth Amendment against Defendants, two of whom are Michigan Department of Corrections officials, based on allegations that the drinking water at the Woodland Center Correctional Facility is contaminated. (ECF No. 1.) The case has been referred to Magistrate Judge Elizabeth A. Stafford for all pre-trial matters. (ECF No. 9.) On October 6, 2023, the Magistrate Judge issued a report and recommendation to deny Plaintiff's motion for an urgent safety transfer. (ECF No. 26.) No party filed written objections within 14 days, and the Court accepted and adopted the report and recommendation. (ECF No. 29.) But on November 15, 2023, Plaintiff sent the Court a letter indicating that he believed he still had time to file timely objections due to an order issued by the Magistrate Judge granting his motion for the appointment of counsel and staying the case. (ECF No. 30.) The Court issued a text-only order stating that once the stay is lifted, Plaintiff may have the remaining portion of

the fourteen-day period to object. The stay has since been lifted.¹ (ECF No. 31.) Now before the Court are Plaintiff's three objections to the report and recommendation. (ECF No. 32.) Defendants have responded to those objections. (ECF No. 34.)

Plaintiff repeats the same arguments he made before the Magistrate Judge to argue that he is entitled to injunctive relief.² "This Court is not obligated to address objections made in this form because the objections fail to identify the *specific* errors in the magistrate judge's proposed recommendations, and such objections undermine the purpose of the Federal Magistrate's Act, which serves to reduce duplicative work and conserve judicial resources." See *Owens v. Comm'r of Soc. Sec.*, No. 1:12-CV-47, 2013 U.S. Dist. LEXIS 44411, at *8 (W.D. Mich. Mar. 28, 2013) (citations omitted). But even if the Court were to consider those arguments, they do not lead to a different conclusion than that reached in the report and recommendation. As the Magistrate Judge found, without laboratory or medical evidence that the water is contaminated or that it causes the ailments Plaintiff describes, Plaintiff cannot meet the heavy burden of proof required to obtain injunctive relief. (See ECF No. 26, PageID.151-52.) Thus, Plaintiff's first two objections are overruled.

Plaintiff also complains that the report and recommendation does not address his Fourteenth Amendment right to bodily integrity. But as a general matter, "[w]here a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior, that Amendment, not the more

¹ Despite the Magistrate Judge granting Plaintiff's motion for the appointment of counsel, (ECF No. 27), the Court was unable to secure pro bono counsel to assist Plaintiff, (see ECF No. 31). Thus, he remains pro se.

² Plaintiff also states that two of the prisoners who previously provided affidavits in this case have since passed away.

generalized notion of substantive due process, must be the guide for analyzing these claims.” See *Albright v. Oliver*, 510 U.S. 266, 273 (1994) (internal quotation marks and citation omitted). Because the Eighth Amendment provides prisoners with a right to adequate medical care, Plaintiff’s claim is more properly analyzed under that Amendment. Thus, Plaintiff’s third objection is overruled.

For the foregoing reasons, Plaintiff’s objections are OVERRULED, and the Court’s previous order accepting and adopting the Magistrate Judge’s report and recommendation stands.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 13, 2024

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 13, 2024, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager